IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

RP.No. 685 of 2007(K)

AGAINST THE JUDGEMENT/ORDER IN WPC.529/2007 Dated 05/02/2007

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REVIEW PETITIONERS/RESPONDENTS 3 & 4

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1. M.J.BABY, MALAMEL HOUSE,
   THRIKKAKARA (PO), NEDUMKANNI PURAYIDOM,
   CHERUVATTAPPUZHA, VAZHAKKALA VILLAGE,
   KANAYANNUR TALUK.

2. M.J.ANTO, MALAMEL HOUSE,
   THRIKKAKKARA (PO), NEDUMKANNI PURAYIDOM,
   CHERUVATTAPUZHA, VAZHAKKALA VILLAGE,
   KANAYANNUR TALUK.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENTS: PETITIONER/RESPONDENTS 1 & 2

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1. MATHAI, S/O.MATHAI, PAZHAMPILLIL HOUSE,
   THRIKKAKKARA (PO), CHERUVATTUPUZHA KARA,
   VAZHAKKALA VILLAGE, KANAYANNUR TALUK.

2. STATE OF KERALA,
   REPRESENTED BY THE CHIEF SECRETARY
   TO THE GOVERNMENT, THIRUVANANTHAPURAM.

3. THE TALUK SURVEYOR, KANAYANNUR TALUK,
   ERNAKULAM.

BY ADV. SRI.TOMY SEBASTIAN
GOVERNMENT PLEADER

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 26/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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R.P.685/2007 & C.M.Appl.294/2007

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Dated this the 26th day of July, 2007.

O R D E R

This is an application to review the judgment dated 5-2-2007 with an application to condone delay. The ground urged in the review petition is that the fact that the decrees relied on by the petitioner were ex parte decrees and that applications were pending to set aside the ex parte decrees was not brought to the notice of this Court while the judgment sought to be reviewed was issued. It is now pointed out that the applications to set aside the ex parte decrees have been allowed by the civil courts. A reading of the judgment sought to be reviewed would show that whatever has been urged do not constitute a ground to review the judgment in hand. This is because, the revenue authorities were to follow the binding judgments

of the civil courts, even if measurements are carried out following Ext.P4 notice on the basis of which the directions were issued. Under such circumstances, I find no ground to review the judgment. Hence, the review petition and the application to condone delay are dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

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